

ORDINANCE NO. 20-670-14

AN ORDINANCE OF THE CITY OF BROOKSHIRE, TEXAS CONTINUING A MAYORAL DECLARATION OF LOCAL DISASTER DUE TO PUBLIC HEALTH EMERGENCY; PROVIDING RESTRICTIONS ON COMMUNITY GATHERINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A FINE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, in December 2019, a novel respiratory disease named "SARS-CoV-2" that causes what is now named "coronavirus disease 2019" ("COVID-19") was detected in Wuhan City, Hubei Province, China; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath that may result in mild to severe illness, and in some cases death; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern and advised countries to prepare for the containment of COVID-19, with such containment including active surveillance, early detection, isolation management, case management, contact tracing, and prevention of onward spread of COVID-19; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, the identification of "community spread" cases of COVID-19 in the United States could potentially signal that transmission of COVID-19 may no longer be limited to travel to outbreak areas or contact with travelers who have visited outbreak areas; and

WHEREAS, according to the Center for Disease Control ("CDC"), it is likely that, at some point, widespread transmission of COVID-19 in the United States will occur; and

WHEREAS, the CDC warns that widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time; and

WHEREAS, the CDC also warns that COVID-19 could cause: schools, childcare centers, workplaces, and other places for mass gatherings to experience more absenteeism; public health and healthcare systems to become overloaded with elevated rates of hospitalizations and deaths; other critical public service infrastructure, such as law enforcement, emergency medical services, and transportation, to be affected; and, health care providers and hospitals to become overwhelmed; and

WHEREAS, given the CDC's guidance, among other things, there is an ongoing risk and likelihood of COVID-19-positive persons being identified in the City of Brookshire; and

WHEREAS, the City of Brookshire, local health agencies, and political subdivisions within the region have been working diligently to implement the CDC's guidelines, but now require additional tools and resources to protect the public health given the current state of COVID-19 and the need for a sustained response; and

WHEREAS, the CDC has determined that large events and mass gatherings can contribute to the spread of COVID-19 in the United States by travelers who attend these events and introduce COVID-19 to new communities; and

WHEREAS, the CDC, in accordance with its guidance for large events and mass gatherings, has recommended that event organizers, whether groups or individuals, cancel or postpone in-person events that consist of ten (10) people or more throughout the United States beginning March 17, 2020 and continuing through March 31, 2020; and

WHEREAS, the CDC, in accordance with its guidance for large events and mass gatherings, has recommended that event organizers, whether groups or individuals, cancel or postpone in-person events that consist of fifty (50) people or more throughout the United States beginning April 1, 2020 and continuing until such time as the CDC determines that such restrictions are not necessary; and

WHEREAS, on March 16, 2020, the Mayor of the City of Brookshire provided a Declaration of Local Disaster Due to Public Health Emergency for the City of Brookshire, with such declaration activating the City of Brookshire Emergency Management Plan and pursuant to §122.005 of the Texas Health and Safety Code, authorizing the City of Brookshire to take any actions necessary or expedient to promote health or suppress disease, including actions to prevent the introduction of a communicable disease into the municipality, including stopping, detaining, and examining a person coming from a place that is infected or believed to be infected with a communicable disease; establishing, maintaining, and regulating hospitals in the City of Brookshire or in any area within five (5) miles of the municipal limits; adopting rules necessary or expedient to promote health or suppress disease to prevent the introduction of a communicable disease into the City of Brookshire, including quarantine rules, and enabling the City of Brookshire to enforce those rules in the city limits and in any area within ten (10) miles of the City of Brookshire; and, declaring that those persons under investigation, persons under management, and quarantined persons shall remain within the confines of their homes, or in safe, secure facilities, during the quarantine period following their exposure to the virus; and **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF BROOKSHIRE, TEXAS:

Section 1. Pursuant to Texas Health and Safety Code 408.108(b), the City Council of the City of Brookshire (the "Council") hereby continues the Mayor's Declaration of Local Disaster Due to Public Health Emergency for the City of Brookshire, until such time as a Federal, State of Texas, Harris County, or other applicable authority indicates that the threat of COVID-19 is not a public health emergency for the City of Brookshire.

Section 2. Pursuant to §122.005 of the Texas Health and Safety Code, the Council hereby enacts its authority to take actions, establish rules, and impose fines related to the Local Disaster Due to Public Health Emergency.

Section 3. The Council prohibits Community Gatherings within the City of Brookshire, as such term is defined herein.

Upon the execution of this Ordinance and the following regulations regarding Community Gatherings shall apply:

PROHIBITED GATHERINGS.

Public or private Community Gatherings are prohibited anywhere in the City of Brookshire.

- a) For purposes of this Ordinance, a "Community Gathering" is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together ten (10) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.
- b) An outdoor "Community Gathering" under these regulations is limited to events in confined outdoor spaces, which means an outdoor space that:
 - i. is enclosed by a fence, physical barrier, or other structure; and
 - ii. where people are present and they are within arm's length of one another for extended periods.
- c) These regulations do not prohibit gatherings of people in multiple, separate enclosed spaces in a single building such as a multiplex movie theater, school or office tower, so long as ten (10) people are not present in any single space at the same time. These regulations also do not prohibit the use of enclosed spaces where ten (10) or more people may be present at different times during the day, so long as ten (10) or more people are not present in the space at the same time.
- d) For purposes of clarity, a "Community Gathering" does not include the following so long as visitors are generally not within arm's length of one another for extended periods;
 - i. spaces where ten (10) or more persons may be in transit or waiting for transit such as airports, bus stations, or terminals;
 - ii. office space or residential buildings;
 - iii. grocery stores, shopping malls, or other retail establishments where large numbers of people are present, but it is unusual for them to be within arm's length of one another for extended periods; and
 - iv. hospitals and medical facilities.

Beginning May 1, 2020 the following regulations regarding mass gatherings will apply, unless preempted by a similar Federal, State, or County regulation:

PROHIBITED GATHERINGS.

Public or private Community Gatherings are prohibited anywhere in the City of Brookshire.

- a) For purposes of these regulations, a "Community Gathering" is any indoor or outdoor event or convening, subject to the exceptions and clarifications below, that brings together or is likely to bring together fifty (50) or more persons at the same time in a single room or other single confined or enclosed space, such as an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.

- b) An outdoor "Community Gathering" under these regulations is limited to events in confined outdoor spaces, which means an outdoor space that:
 - i. is enclosed by a fence, physical barrier, or other structure; and
 - ii. where people are present and they are within arm's length of one another for extended periods.
- c) These regulations do not prohibit gatherings of people in multiple, separate enclosed spaces in a single building such as a multiplex movie theater, school or office tower, so long as fifty (50) people are not present in any single space at the same time. These regulations also do not prohibit the use of enclosed spaces where fifty (50) or more people may be present at different times during the day, so long as fifty (50) or more people are not present in the space at the same time.
- d) For purposes of clarity, a "Community Gathering" does not include the following so long as visitors are generally not within arm's length of one another for extended periods:
 - i. spaces where fifty (50) or more persons may be in transit or waiting for transit such as airports, bus stations, or terminals;
 - ii. office space or residential buildings;
 - iii. grocery stores, shopping malls, or other retail establishments where large numbers of people are present, but it is unusual for them to be within arm's length of one another for extended periods; and
 - iv. hospitals and medical facilities.

Section 8. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

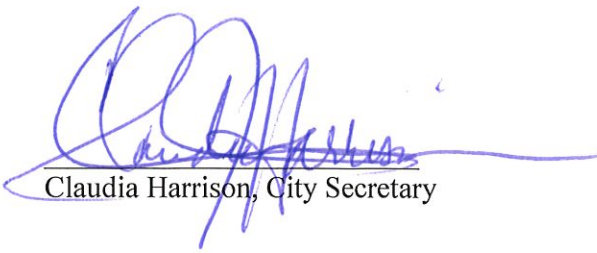
Section 9. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed two thousand (\$2,000), with each day of violation constituting a separate offense.

Section 10. This Ordinance shall take effect immediately upon its approval.

APPROVED AND ADOPTED THIS 19TH DAY OF MARCH, 2020.


DARRELL BRANCH, MAYOR

ATTEST:



Claudia Harrison, City Secretary